

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

DEREA GREENHAUS, et al.,

Plaintiffs,

vs.

Civ. No. 01-624 JP/WWD ACE

ALLSTATE INSURANCE COMPANY,

Defendant.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court as the result of Rule 16 telephonic conferences with counsel held on September 10, 2001, and September 12, 2001. Following the September 10, 2001, conference I entered an order which allowed Ms. Noya, counsel for Allstate Insurance Company an extension of time until October 8, 2001, in which to file a response to Plaintiffs' motion for summary judgment. Ms. Noya indicated that she had a family emergency in that her small child was ill. Additionally, Ms. Noya was planning to take a planned vacation on or about September 19, 2001. On September 12, 2001, Ms. Noya telephoned my chambers to see whether the order I entered allowing additional time for the response to the summary judgment motion was also meant to address an extension of time for filing a response to Plaintiffs' motion to certify to the New Mexico Supreme Court. The certification question was discussed on September 10th, but I did not recall extending the time in which to respond to that motion. In a conference call with counsel for the parties on September 12, 2001, I heard argument from each side. Previously, Ms. Noya has responded for Defendant to a practically identical motion to certify. I concluded

that preparation by September 19, 2001, of a response to Plaintiffs' motion to certify to the New Mexico Supreme Court should not be overly burdensome. Accordingly, Defendant's oral motion for an extension of time in which to respond to Plaintiffs' motion to certify to the New Mexico Supreme Court will be denied.

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE